

# Notice of Allowability

Application No.

10/690,761

Examiner

Sara Addisu

Applicant(s)

WEBB ET AL.

Art Unit

3722

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/22/06.
2. ☒ The allowed claim(s) is/are 1 and 3-24.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

*Monica S. Carter*  
MONICA CARTER  
SUPERVISORY PATENT EXAMINER

## **DETAILED ACTION**

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Singer on 3/14/07.

The application has been amended as follows:

- Claim 5, line 5 the phrase "(e.g. WC-CO)" is deleted
- Claim 18, line 5 the phrase "(e.g. WC-CO)" is deleted

### ***Drawings***

Figures 2 and 3 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Allowable Subject Matter***

Claims 1 and 3-24 are allowed.

Regarding independent claims 1 and 11, the closest prior art to the instant invention is Kuroyama et al. (USP 5,183,362). Kuroyama et al. teaches a tool insert having a cemented carbide insert body (1) and an abrasive tip (3) the abrasive tip and the insert body containing mating geometric features (i.e. tip 3 is attached to recess 2 of the insert body) ('362, figures 5 & 6). The tip and insert are assembled together by soldering/placing in an oven of high temperature (600- 800 degree Celsius) ('362, abstract, Col. 4, lines 30+ and Col. 5, lines 8-11).

However, Kuroyama et al. fails to anticipate or make obvious the mechanical forces of retaining the tip in the insert body irreversibly deforming the mating geometrical features on the tip and/or insert body. ). It should be noted that "soldering process is the process of a making a sound electrical and mechanical joint between certain metals by joining them with a soft solder. This is a low temperature melting point alloy of lead and tin". Therefore, in Kuroyama et al.'s teaching the soldering process is below the melting temperature of the insert body/tip, thus would not irreversibly deform the mating geometric features of the insert and/or tip. Also note that Applicant defines (specification, page 7, paragraph 30) the term "irreversible deformation": refers to the material flow in a body caused by application of load that is above the yield strength of the material comprising the body. When said load is removed (or, for example, press-fit bodies are separated), the body will not return to its original dimensions.

Another close prior art to the instant invention is regarding independent claims 1 and 11 is Murakami (USP 5,846,032). Murakami teaches a tool insert (2) having a body (4) with plurality of elastic deformation sections (8) and an abrasive tip (5), wherein the abrasive tip and the insert body containing mating geometric features ('032, figure 1). The elastic deformation sections (8) allow the geometric features to be interlockable.

However, Murakami fails to anticipate or make obvious the mechanical forces of retaining the tip in the insert body irreversibly deforming the mating geometrical features on the tip and/or insert body (i.e. Murakami teaches elastic deformation and not plastic/irreversible deformation).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara Addisu at (571) 272-6082. The examiner can normally be reached on 8:30 am - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica Carter can be reached on (571) 272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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3/15/07

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